

By: Lucio III

H.B. No. 68

A BILL TO BE ENTITLED

AN ACT

relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.093 to read as follows:

Sec. 33.093. COGNITIVE-LINGUISTIC OR NEUROCOGNITIVE ASSESSMENTS OF PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) For purposes of this section, only the following persons are considered to be appropriately licensed or certified health care professionals:

(1) a physician licensed under Subtitle B, Title 3, Occupations Code;

(2) a physician assistant licensed under Chapter 204, Occupations Code;

(3) an advanced practice nurse licensed under Chapter 301, Occupations Code;

(4) a speech-language pathologist licensed under Chapter 401, Occupations Code, or certified as a speech-language pathologist by the Texas Education Agency; and

(5) an athletic trainer licensed under Chapter 451, Occupations Code.

(b) Except as provided under Subsection (d), a school

1 district must require a district student who is required under
2 University Interscholastic League rule or policy to receive a
3 physical examination before being allowed to participate in an
4 athletic activity sponsored or sanctioned by the league to also
5 receive a cognitive-linguistic or neurocognitive assessment
6 performed by an appropriately licensed or certified health care
7 professional and administered in accordance with current
8 international consensus on concussion management before the
9 district allows the student to participate in the activity,
10 including a practice for the activity.

11 (c) Except as provided under Subsection (d), a school
12 district must require a district student who, after sustaining a
13 concussion, is required under Subchapter D, Chapter 38, or under
14 University Interscholastic League rule or policy to receive a
15 physical examination or obtain medical approval before being
16 allowed to resume participating in or practicing for an athletic
17 activity sponsored or sanctioned by the University Interscholastic
18 League to also obtain a cognitive-linguistic or neurocognitive
19 assessment performed by an appropriately licensed or certified
20 health care professional and administered in accordance with
21 current international consensus on concussion management before
22 the district allows the student to resume participating in or
23 practicing for the activity. The results of the
24 cognitive-linguistic or neurocognitive assessment must be
25 considered as a factor in determining whether the student is to be
26 allowed to resume participating in or practicing for the activity.

27 (d) A school district is required to comply with Subsection

1 (b) or (c), as applicable, only if the board of trustees of the
2 district, by majority vote, decides that it is in the best interests
3 of district students to comply with the subsection.

4 (e) A school district may assist in coordinating the
5 provision of a cognitive-linguistic or neurocognitive assessment
6 required under this section. A district may pay the costs of the
7 assessment and may recover those costs from the parent or guardian
8 of a student receiving the assessment or from the student.

9 (f) This section does not create a cause of action or
10 liability against an appropriately licensed or certified health
11 care professional, a school district, or a district officer or
12 employee for the injury or death of a student participating in or
13 practicing for an athletic activity sponsored or sanctioned by the
14 University Interscholastic League based on or in connection with
15 the administration or evaluation of or reliance on a
16 cognitive-linguistic or neurocognitive assessment or the decision
17 not to administer, evaluate, or rely on such an assessment.

18 (g) A school district shall maintain in a student's school
19 records a copy of a cognitive-linguistic or neurocognitive
20 assessment required under this section and available to the
21 district.

22 (h) The University Interscholastic League shall adopt rules
23 as necessary to administer this section, including rules
24 establishing standards for a cognitive-linguistic or
25 neurocognitive assessment required under this section. The league
26 may consider recommendations of the league's medical advisory
27 committee in establishing standards for a cognitive-linguistic or

1 neurocognitive assessment.

2 SECTION 2. This Act applies beginning with the 2014-2015
3 school year.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2013.